



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,270	05/02/2006	James A. Baum	38-21(52806)B	4307

27161 7590 02/03/2010  
MONSANTO COMPANY  
800 N. LINDBERGH BLVD.  
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E1NA)  
ST. LOUIS, MO 63167

EXAMINER
----------

KUBELIK, ANNE R

ART UNIT	PAPER NUMBER
----------	--------------

1638

MAIL DATE	DELIVERY MODE
-----------	---------------

02/03/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## UNITED STATES DEPARTMENT OF COMMERCE

## U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10563270	5/2/2006	BAUM ET AL.	38-21(52806)B

MONSANTO COMPANY  
800 N. LINDBERGH BLVD.  
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E1NA)  
ST. LOUIS, MO 63167

## EXAMINER

Anne R. Kubelik

ART UNIT	PAPER
1638	20100125

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

***Request for Information under 37 CFR § 1.105***

1. Applicant and the assignee of this application are required under 37 CFR § 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

This request is being made for the following reasons:

Applicant is claiming a nucleic acid isolated from a strain, but the instant specification is silent about the source of the strain. The requested information is required to make a meaningful and complete search of the prior art.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

(i) What is the *Bacillus* strain(s) from which SEQ ID NO:5/6 was isolated? Please supply all of the designations/denominations used for this strain(s).

(ii) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, had said *Bacillus* strain(s) been disclosed or made publicly available? If so, under what designation/denomination and under what conditions were said strain been disclosed or made publicly available and from when to when?

If Applicant views any or all of the above requested information as a Trade Secret, then Applicant should follow the guidance of MPEP § 724.02 when submitting the requested information.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure. Please indicate where the relevant information can be found.

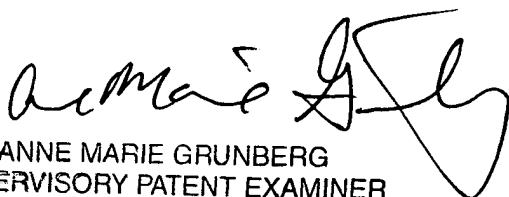
The fee and certification requirements of 37 CFR § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR § 1.105 are subject to the fee and certification requirements of 37 CFR § 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR § 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik, whose telephone number is (571) 272-0801. The examiner can normally be reached Monday through Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

  
ANNE MARIE GRUNBERG  
SUPERVISORY PATENT EXAMINER